

The PRESIDENT overruled the point of order.

Mr. CLARKE called for the yeas and nays upon his amendment, which were ordered.

The question being then taken, by yeas and nays, upon the amendment of Mr. Clarke, they resulted, yeas 25, nays 10, as follows:

*Yeas.*—Messrs. Belt, Berry of Prince George's, Blackiston, Briscoe, Brown, Chambers, Clarke, Crawford, Edelen, Gale, Harwood, Henkle, Hollyday, Johnson, Jones of Somerset, Landsdale, Lee, Marbury, Mitchell, Miller, Morgan, Parran, Peter, Smith of Dorchester, Wilmer—25.

*Nays.*—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Baker, Barron, Brooks, Carter, Cunningham, Cushing, Daniel, Davis of Washington, Dellinger, Earle, Ecker, Galloway, Greene, Hatch, Hebb, Hoffman, Hopkins, Hopper, Jones of Cecil, Kennard, King, Markey, McComas, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, Robinette, Russell, Sands, Sealey, Schlosser, Scott, Smith of Carroll, Sneary, Stockbridge, Swope, Sykes, Thomas, Todd, Valiant, Wickard, Wooden—50.

So the amendment was not agreed to.

The "general rules defining the several duties of the Secretaries, Clerks, Officers and Employees of the Convention," were then read, and no amendment was offered.

The PRESIDENT stated the question to be upon ordering the report of the Committee on Rules, as amended by the Convention, to be engrossed for a third reading, and to be printed.

Mr. CHAMBERS. I would ask the attention of the Convention to one thing in this system of rules, for I think that there are two of them that involve an entire contradiction: Rule 43 provides—

"The question on the adoption of any article shall always be determined by yeas and nays, which shall be recorded on the journal; and unless it shall thus appear that a majority of the whole number of members elected to the Convention have voted in the affirmative, the article shall be declared rejected."

By that rule the affirmative votes of 49 members are required to adopt any article of the Constitution or of the Bill of Rights. Then you have rule 49, which was amended yesterday, on the motion of the gentleman from Baltimore city, (Mr. Stockbridge,) by which Rule 43, or any other rule, may be suspended by a vote of three-fifths of the members present. Rule 43, therefore, may be suspended by the votes of 31 members. The consequence will be that when the question comes up before the Convention, as to the final adoption of any article of the Constitution, or even the entire Constitution, and it is found that the votes in favor of it are not equal to the requirements of this 43d Rule, all that will be necessary to be done to secure its adoption will be to suspend that rule by the votes of three-fifths of the mem-

bers present, and it is then no longer the rule of this House. This Convention will then be governed by the only rule which governs assemblages of this kind, unless there is some other rule to the contrary; that is to say, by a majority of the votes of the members present. Therefore, in that way, they may obtain the assent of this Convention to pass the Constitution, or any article in it, by a vote less than that required by the 43d Rule. To adopt a rule, therefore, requiring a larger number of votes, which rule at any time may be repealed by a lesser number of votes, appears to me to be rather absurd: to be stultifying ourselves. It seems to me that in order to preserve consistency, it is necessary to do one of two things; either to alter the language of Rule 43, and make it conform to Rule 49, or to alter the language of Rule 49, and make it conform to Rule 43. I merely suggest this; but I have declined, and shall continue to decline, to make any motion upon the subject, believing that if I should make any it would not be acceptable.

The PRESIDENT. Does the gentleman submit a motion to reconsider?

Mr. CHAMBERS. I do not; but I hope some gentleman will submit that motion.

Mr. DANIEL. In order to reach the matter, I will move a reconsideration of the 49th Rule. I voted for the 43d Rule, and think that it ought to stand. If we reconsider the 49th Rule, we can very easily amend it so as to except the 43d Rule from its operation.

The question being then taken, by a division, upon the motion to reconsider the 49th Rule, it was not agreed to, yeas 31, noes 37.

The PRESIDENT. The Chair would say that there is, very clearly, a conflict between these two rules.

Mr. PUGH. I understood members, yesterday, to vote against every amendment of Rule 43; upon the very ground that it could be suspended by a vote of a majority of the members present.

Mr. CLARKE. When the gentleman from Somerset (Mr. Jones) submitted an amendment, yesterday, to the 49th Rule, to except Rule 43 from the operation of this suspension, I think I stated then that I did not regard Rule 49 as applying to Rule 43, which prescribed a definite number of votes upon the final passage of any article in the Constitution, and I certainly understood the President of the Convention to assent to that construction; that although Rule 49 might be adopted, still Rule 43 governed the action of the Convention upon the adoption of articles of the Constitution, and could be changed only in the manner prescribed by Rule 51.

Mr. JONES of Somerset. And it was upon that statement that I withdrew my proposition to amend. I did not suppose that it was the intention of the Convention to put it within the power of any mere majority of a quorum to rescind or suspend that rule,